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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/186,902 11/06/98 PUNG

D 6937

IM62/1220

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EXAMINER

TORRES VELAZQUEZ, N

ART UNIT	PAPER NUMBER
1771	6

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/186,902	PUNG ET AL.
	Examiner	Art Unit
	Norca L. Torres-Velazquez	1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 06 November 1998 and 07 April 1999.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
1. received.
2. received in Application No. (Series Code / Serial Number) _____.
3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) Notice of References Cited (PTO-892)
- 15) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 17) Interview Summary (PTO-413) Paper No(s) _____.
- 18) Notice of Informal Patent Application (PTO-152)
- 19) Other: _____

Art Unit: 1771

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 contradicts what has been claimed in Claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by MOORE et al. (EP 0 750 063 A1).

MOORE et al. discloses a non-woven, fibrous substrate for use in a cleaning article such as a wet wipe. The substrate is preferably made by hydro-entangling using low power jets of water. (Abstract) MOORE et al. teaches that wet wipes commonly comprise a substrate of a non-woven fibrous material, wetted by a suitable liquid. (Column 2, lines 14-15).

The reference also teaches that at least a certain proportion of the fibers are sufficiently long that even though they extend from the surface plane of the substrate as a result of the

Art Unit: 1771

friction produced by rubbing, they nevertheless remain attached to the body of the substrate.

(Column 3, lines 30-33)

MOORE et al. also teaches the use of a cleaning liquid, which is either an aqueous solution or an emulsion in which the continuous phase is aqueous. (Column 3, lines 48-49).

The reference also teaches that in the field of ordinary wet wipes, the basis weight is preferably in the range of 30-130g/m². The caliper of the substrate is from 0.4 mm to 2.0 mm.

(Column 5, lines 43-56)

Regarding the "three-dimensional pattern" claimed in Claim 1, the Examiner wants to point out that hydro-entangling produces three-dimensional patterns.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over MOORE et al. as applied to claims 1-5, 11 and 12 above, and further in view of BLIESZNER et al. (US Patent 5,648,083) and PREGOZEN (US Patent 5,141,803).

MOORE et al. fails to teach the use of an acid, moisturizing agent, an antimicrobial active and a drying agent in the aqueous liquid composition of the cleansing wipe article.

BLIESZNER et al. discloses personal care compositions and wipe products containing the compositions. BLIESZNER et al.'s compositions are emulsions containing water, a

Art Unit: 1771

protective barrier agent that includes silicone oil, and an emulsifier. The composition also contains at least one additional component selected from water-soluble polyols, pH-adjusting agents, anti-microbial agents and chelating agents. Additional ingredients, e.g. fragrance; skin soothing aids, moisteners, humectants and emollients; powders and the like may also be included in the composition. (Column 4, lines 11-19).

However, the reference does not disclose the concentration of the different components of the cleansing composition.

PREGOZEN discloses an aqueous composition for impregnating a nonwoven wipe having a pH of from 3.5 to 4.5, and moistened wipe, impregnated with the aqueous composition. (Abstract).

PREGOZEN discloses concentrations of 0.2 to 10 weight-percent for skin moisturizers and humectants, 0.02 to 5 weight-percent for skin softeners and emollients. (Column 4, lines 40-44). The surfactant will generally be employed at a concentration of 0.02 to 10 percent by weight bases on the weight of the aqueous composition. (Column 4, lines 60-62). PREGOZEN also teaches the use of citric acid to adjust the pH of the composition. (Column 4, lines 20-26). The reference also teaches the use of a preservative system, it uses cationic biocides in the ranges of about 0.03 to about 0.24% of the aqueous composition. (Column 4, lines 9-13).

Since MOORE et al., BLIESZNER et al. and PREGOZEN are all from the same field of endeavor, the purpose disclosed by BLIESZNER et al. and PREGOZEN would have been recognized in the pertinent art of MOORE et al.

Application/Control Number: 09/186,902

Art Unit: 1771

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the non-woven fibrous substrate disclosed by MOORE et al. to have an aqueous cleansing composition with an acid, moisturizing agent, and an antimicrobial active for the purpose of providing consumers with a alcohol-free wipes that have antimicrobial effect. (As disclosed by PREGOZEN).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over PREGOZEN in view of SUEHR et al. (US Patent 5,670,234).

PREGOZEN discloses that a the manufacture of the nonwoven materials for a substrate employed in the moistened wipe are well known in the art, and even mentions water entanglement as one of them. PREGOZEN discloses that the moistened wipe of the invention can be prepared by applying the aqueous composition according to the invention the flexible absorbent nonwoven substrate by a variety of well known methods such as by spraying, padding, printing and gravity application. Preferably the loading of the aqueous composition is from about two times (200%) to about 5 times (500%) the weight to the nonwoven substrate, and more preferably about three and one-half times (350%) the weight of the nonwoven substrate. (Column 5, lines 7-21).

However, the reference do not disclose the use of an essentially planar background surface with at least one recessed region significantly displaced from the background surface of the forming plate.

SUEHR et al. a nonwoven fabric of entangled fibers defining a predetermined pattern of opening with the fabric having excellent draping characteristics. (Abstract) SUEHR et al.

Application/Control Number: 09/186,902

Art Unit: 1771

teaches (in Figure 5) that the support member comprises a plate 90 having a plurality of openings 91 extending through the thickness of the plate. (Column 3, lines 33-37)

Since SUEHR et al. and PREGOZEN are both from the same field of endeavor, the purpose disclosed by SUEHR et al. would have been recognized in the pertinent art of PREGOZEN.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of manufacturing a wet wipe disclosed by PREGOZEN and provide it with a support member comprising a plate having a plurality of openings for the purpose of having a wet wipe with an upper surface and a lower surface. (SUEHR et al. Column 1, lines 34-36).

8. This is a continuation of applicant's earlier Application No. 09/186,902. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Application/Control Number: 09/186,902

Art Unit: 1771

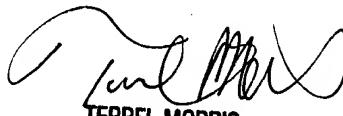
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 7:30-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3599 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

nlt
nlt
December 14, 2000


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700